

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 23-cv-60025-ALTMAN/Hunt

HOWARD COHAN,

Plaintiff,

v.

OC1 OF DANIA, LLC, *d/b/a*
OCEAN ONE BAR & GRILLE,

Defendant.

ORDER GRANTING MOTION FOR FINAL DEFAULT JUDGMENT

The Plaintiff has filed a Motion for Entry of Final Default Judgment (the “Motion”) [ECF No. 16]. On March 7, 2023, the Clerk entered a default [ECF No. 14] against the Defendant, OC1 of Dania, LLC. And our review of the record indicates that the Defendant has indeed failed to appear, answer, or otherwise respond to the Plaintiff’s Complaint [ECF No. 1]. Accordingly, after a careful review of the Motion, the record, and the applicable law, we now **GRANT** the Motion.

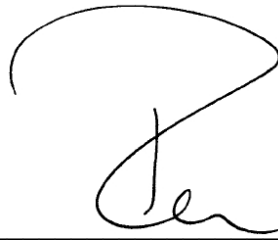
Pursuant to Federal Rule of Civil Procedure 55(b)(2), the Court may enter a final default judgment against any party who has failed to respond to the complaint. But “a defendant’s default does not in itself warrant the court entering a default judgment. There must be a sufficient basis in the pleadings for the judgment entered.” *Nishimatsu Constr. Co., Ltd. v. Houston Nat’l Bank*, 515 F.2d 1200, 1206 (5th Cir. 1975); *see also Buchanan v. Bowman*, 820 F.2d 359, 361 (11th Cir. 1987) (“[L]iability is well-pled in the complaint and is therefore established by the entry of default.”).

Our review of the record in this case confirms that the Complaint adequately establishes our subject-matter jurisdiction under 28 U.S.C. § 1331, our personal jurisdiction over the Defendant, and the propriety of venue in this District. We also find that the Complaint sufficiently

pleads a claim for violation of the Americans with Disabilities Act, 42 U.S.C. §§ 12182 *et seq.* See Compl. ¶¶ 15–39. The Plaintiff has thus satisfied the requirements for the entry of a final default judgment against the Defendant.

Accordingly, we hereby **ORDER AND ADJUDGE** that the Plaintiff's Motion for Entry of Final Default Judgment [ECF No. 16] is **GRANTED**. In accordance with Federal Rule of Civil Procedure 58, final judgment will be entered separately.

DONE AND ORDERED in the Southern District of Florida on April 5, 2023.

A handwritten signature in black ink, appearing to read 'Roy K. Altman', written over a horizontal line.

ROY K. ALTMAN
UNITED STATES DISTRICT JUDGE

cc: counsel of record